

COLORADO STATE BOARD OF PHARMACY
April 23, 2009

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, R.Ph., at approximately 8:30 a.m. on Thursday, April 23, 2009 at 1560 Broadway, Conference Room 1380, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Katherine Edelblut, R.Ph., Leonard Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; and Mark O'Neill, R.Ph., Inspector. Also present was Jo Kaye, Assistant Attorney General to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the March 19, 2009 meeting, as amended, and approved the minutes from the April 2, 2009, as submitted.

ADDITIONS TO THE AGENDA

Fraser Czarkowski, Pharmacist Applicant

APPEARANCES

Kennetha Julien, the Director of the Office of Expedited Settlement, thanked the Board for its support of the program and provided statistics regarding case settlements to the Board.

HEARINGS

None

REPORTS

President's Remarks

None

Program Director's Report

Ms. Anderson informed the Board that the process was underway to select a vendor for the Pharmacy Peer Assistance Diversion Program. She explained that the contract with the current contractor expires June 30, 2009. In addition, she stated that the contract for the administering entity for this program was in the process of being signed. The contract requires the contractor to post a bond. Ms. Anderson advised the Board that the bond on the current contract is \$150,000. After due consideration, the Board voted to require a \$150,000 for the administering entity and also voted to continue payments to the Peer Assistance Diversion Program vendor at monthly intervals and to authorize reimbursement of expenses and payments to the members of the Rehabilitation Evaluation Committee members.

Ms. Anderson told the Board that the October 22, 2009 meeting would be held at the newly created Regis University School of Pharmacy. The Board members reviewed the Pharmacy Technician Task Force Report. The Board reviewed proposed amendments to rules 5.00.55, 14.00.40, and 15.00.00, and 16.00.20. After due consideration, the Board moved the amendments to hearing. The members then voted to approve Policy Number 20-13, titled, "Approved Colleges or Schools of Pharmacy."

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

The next Continuing Education ("CE") program is the Annual Summer Meeting to be held June 26-28, 2009 at Copper Mountain. Eleven hours of CE is being offered. Details are on the CPS website, www.copharm.org.

The Colorado Pharmacists Society is in its eighth year as an associate sponsor for the 9 Health Fair, April 18-26, 2009, and has helped the Fair organizers get pharmacist volunteers for designated sites throughout Colorado. Preliminary count is over 50 participating volunteers staffing "Ask a Pharmacist" stations at the health fairs.

CPS has been participating in discussions with the Colorado Department of Public Health and Environment on a Drug Take Back Program. A pilot program is being considered of placing steel drop boxes outside pharmacies. Consumers will be able to discard their expired and unused medications. The contents of drop boxes will be picked up by Curbside Inc., a California recycling company, ground up and shipped to an incinerator in Texas. Discussion about the details and implementation of the program will be held on May 8, 2009.

The next major CE Event is the 2009 CPS Annual Fall Meeting, September 24-26, 2009 at the Stapleton Radisson in Denver. Fifteen hours of ACPE approved continuing education will be provided and details will be posted on the CPS website.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

None.

Intern & School Relations – Jeannine Dickerhofe, RPh

Ms. Dickerhofe provided the Board with an update on progress Regis University School of Pharmacy has made. The school will be enrolling its first class in the fall of 2009.

Legislation - Jeannine Dickerhofe, RPh.

Pharmacy reimbursement for Medicaid prescriptions is being reduced by 3.7%. Effective April 1, 2010, the Medicaid dispensing fee will be reduced from AWP-13.5% to AWP-14.5% for brand and AWP-35% to AWP-45% for generic.

The U.S. Representatives and Senators are being lobbied by the pharmacists of Colorado on the "Pharmacy Principles for Health Care Reform." Most of the national pharmacy organizations developed these principles so a clear and concise message could be relayed to policymakers on the important role pharmacists play in providing affordable, accessible and quality health care. A white paper discussing these principles has been drafted and is

available from participating national pharmacy organizations or the Colorado Pharmacists Society.

Rules – Rich Doyle

None.

Inspectors

Walgreen Pharmacy #6283, PDO 104-65

The Board reviewed an Agenda Memorandum from Inspector Mark O’Neil which detailed deficiencies at this particular pharmacy. After due consideration, the Board voted to initiate a complaint against the registration of the pharmacy.

OLD BUSINESS

Stipulations

Chronister, Kurt J., RPH 16381

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Mr. Chronister’s request for discharge from the terms of his Stipulation and Final Agency Order. After due consideration of the available information, the Board released Mr. Chronister from his stipulation.

MISCELLANEOUS

Omnicare of Golden

Request for Electronic Order Maintenance

The Board reviewed an Agenda Memorandum from Chief Inspector Chris Gassen. After due consideration of the available information, the Board directed staff to begin the review process to determine if the pharmacy meets the requirements for electronic order maintenance.

Complaints

AmerisourceBergen Drug Corporation, WHI 6014

2009-2551

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Asobo, Clifford A, RPH 16638

2009-2187

A motion was made, seconded, and carried to dismiss the case as being without merit.

Babbitt, Michael D. RPH 17909

2009-2943

A motion was made, seconded, and carried to dismiss the case as being without merit.

The Board directed staff to issue Letter of Guidance in this matter.

Badger, William B., RPH 13611

2009-2196

After due consideration of the available information, the Board voted to refer the case for discipline.

Butler Animal Health Supply, WHI 6065 **2009-2556**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Cardinal Health Aurora, WHI 6049 **2009-2555**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Cardinal Health (Pharmaceutical Supply), WHI 6012 **2009-2554**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

CaremarkPCS Alabama Mail Pharm, LLC, OSP 5179 **2009-2405**

A motion was made, seconded, and carried to dismiss the case as being without merit.

Glennon, Benjamin A., RPH 17237 **2009-2166**

A motion was made, seconded, and carried to dismiss the case as being without merit.

Huff, John T., RPH 18038 **2009-2723**

A motion was made, seconded, and carried to dismiss the case as being without merit.

Kaiser Permanente: Colorado Pharmacy Distribution Center, WHI 6018 **2009-2940**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Keck, Buckley W., RPH 10090 **2009-2227**

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Mantas, Dennis, RPH 10118 **2009-2467**

Paul Limberis recused.

A motion was made, seconded, and carried to dismiss the case as being without merit.

McCollum, George E., RPH 13847 **2009-2194**

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

McKesson Corporation, WHI 6011 **2009-2558**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

McKesson Corporation, WHI 6034 **2009-2226**

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

McKesson Medical Surgical, WHI 6039

2009-2939

Jeannine Dickerhofe recused

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

MWI Veterinary Supply Company, WHI 6037

2009-2557

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Northglenn Police Department, LTD 19

2009-2415

After due consideration of the available information, the Board voted to refer the case for discipline.

Pak, June L., RPH 14407

2009-2571

A motion was made, seconded, and carried to dismiss the case as being without merit.

Patterson Dental Supply, Inc., WHI 6044

2009-2409

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Promotech Research Associates, Inc., WHI 6055

2009-2550

Jeannine Dickerhofe recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Superior Medical Supply, Inc., WHI 6006

2009-2934

Jeannine Dickerhofe Recused

After due consideration of the available information, the Board voted to refer the case for discipline.

Refailov, Mary L., RPH 14429

2009-2225

A motion was made, seconded, and carried to dismiss the case as being without merit.

Walgreen Pharmacy #07581, PDO 558

2009-1854

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy #6513, PDO 7-29

2009-1853

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy #5547, PDO 24-118

2009-2059

After due consideration of the available information, the Board voted to refer the case for discipline.

Walgreen Pharmacy #5642, PDO 104-63

2009-2079

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Wassinger, Benedict P. Jr., RPH 15670

2009-2406

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

LICENSING

Other Outlets, New

The Board approved the registration of 1 new other outlets.

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 3 new in-state prescription drug outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 1 new nonresident prescription drug outlets.

Manufacturers, New

The Board approved the registrations of 1 new manufacturer.

Limited Licenses, New

The Board approved the registrations of 0 new limited licenses.

Wholesalers, New (In-State)

The Board approved the registrations of 0 new in-state Wholesalers.

Wholesalers, New (Out-of-State)

The Board approved the registrations of 43 new out-of-state Wholesalers.

Licensure by Examination and Score Transfer

The Board ratified the licensure of 3 applicants for licensure.

Licensure by License Transfer

The Board ratified the licensure of 4 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

LICENSURE ISSUES

Hunter, Lisa M., Pharmacist License Applicant

After review of the available information, the Board voted to deny the application.

Priem, Loren M., Pharmacy Intern Applicant

After review of the available information, the Board voted to deny the application.

Seamen, Rebecca, Pharmacist License Applicant

Mary Arceneaux recused.

After review of the available information, the Board voted to issue the license, and issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

MISCELLANEOUS

Correspondence, etc.

Prescription Drug Take Back, Repository & Donation Programs in Other States

The Board noted an agenda memorandum from Mr. Gassen.

The Board declined to consider rulemaking for such programs as statutory changes would be needed to allow pharmacies to participate in such activity.

ETHEX Corporation, WHO 7022

The Board reviewed and noted an agenda memorandum from Mr. Gassen.

After due consideration, it decided no further action was necessary.

City Market #443, Rifle, CO

Mary Arceneaux recused.

The Board reviewed and noted an agenda memorandum from Mr. Gassen.

After due consideration, it decided to table action pending additional information.

Referral from the Colorado State Board of Veterinary Medicine

The Board reviewed and noted an agenda memorandum from Mr. Gassen.

After due consideration, it decided to issue a Cease and Desist Order to Dr. Michelle Behrendt, DVM, for the unlicensed practice of pharmacy.

Request from Superior Medical Supply

After due consideration, the Board tabled action, pending a proposed rule change.

Affiliated Monitors, Inc.

After due consideration, the Board noted the information and decided that no further action was necessary.

Request from Mitchell Spreier, RPH

Ms. Anderson advised the Board that Mr. Spreier had withdrawn the request.

NABP Report of the Committee on Law Enforcement/Legislation

The Board noted the information.

NABP Report of the Task Force on Standardized Pharmacy Technician Education and Training.

The Board noted the information.

NABP Correspondence regarding VIPPS

The Board noted the information.

EXECUTIVE SESSION

Board President Paul Limberis moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-6-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

The Board discussed the case status report from the Office of Expedited Settlement.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

Open Session

2009-2241

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

2009-2244

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

2009-2416

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

2009-2471

A motion was made, seconded, and carried to dismiss the case as being without merit.

2009-2592

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

ADJOURNMENT

The Board adjourned at approximately 4:00 p.m.

Pharmacy Board Minutes
April 23, 2009

Approved by Paul Limberis, R.Ph., President Date: May 14, 2009